

TAJIRI, M.
Serial No. 10/700,467

Atty Dkt: 4074-10
Art Unit: 2827

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Rewrite allowable claims 2 and 9 as independent claims.
3. Cancel claims 1, 7 and 8 without prejudice or disclaimer.
4. Amend all claims having chemical expressions for sake of reformatting the subscripts.
5. Add new independent claim 27 and claims 28 – 29 (corresponding to original claims 2 and 3, respectively) dependent thereon.
6. Amend the dependency of claim 11, so that claims 11 – 13 depend from new independent claim 27.
7. Add new independent claim 30, which includes limitations from original claim 1 and original claim 7.
8. Add new dependent claims 31 – 33, which correspond to original dependent claims 8 – 10, respectively, but which are ultimately dependent upon new independent claim 30.
9. Respectfully traverse all prior art rejections.
10. Call attention to the Information Disclosure Statement (IDS) filed on January 12, 2006.

B. PATENTABILITY OF THE CLAIMS

Claims 1 and 7 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 4,479,106 to Shimizu et al. Claims 8 and 11 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 4,479,106 to Shimizu et al in view of U.S. Patent 6,144,286 to Moos et al. Claim 12 stands rejected under 35 USC 103(a) as being

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unpatentable over U.S. Patent 4,479,106 to Shimizu et al in view of U.S. Patent 6,144,286 to Moos et al as applied to claim 11 above, and further in view of U.S. Publication 2004/0096699 to Doerr et al. All prior art rejections are respectfully traversed for at least the following reasons.

The rewriting of claims 2 and 9 as independent claims render claims 2 -6 and 7, 9 - 10, allowable.

New independent claim 27 differs from original independent claim 1 by reciting that the substrate is a semiconductor substrate (having a switching element connected to the first electrode). In addition, new independent claim 27 specifically states that the composition of the nonvolatile variable resistance body is chosen to facilitate nonvolatility of the variable resistor.

None of the three applied references expressly pertain to nonvolatile variable resistor structure or operation. The office action seems to have overlooked or chosen to ignore the nonvolatile limitation. In new independent claim 27 the nonvolatile limitation is incorporated into the body of the claim based on the composition of the nonvolatile variable resistance body, and cannot be discounted as merely a preamble term.

New independent claim 30 which includes limitations from original claim 1 and original claim 7. The limitation from original claim 7 specifies the first electrode is columnar or prismatic. By contrast, the electrode of Shimizu is not columnar, but instead is a film, being substantially rectangular in a top view. Therefore, independent claim 30 and claims 31 - 33 dependent thereon are allowable.

Further, none of the applied references show the claimed relation of substrate switching structure to the resistor electrodes, with the resistor electrodes being oriented relative to the substrate as claimed. Thus, none of the applied references, either alone or

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in combination, provide a basis for denying patentability to independent claim 27 and claims 28 – 29, 11 – 13 dependent thereon.

C. INFORMATION DISCLOSURE STATEMENT

Applicants call the Examiner's attention to the Information Disclosure Statement (IDS) filed on January 12, 2006.

D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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